

Appln. Serial No. 10/642,900
Amendment Dated September 17, 2007
Reply to Office Action Mailed June 26, 2007

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REMARKS

In the Office Action dated June 26, 2007, claims 1-20 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,457,746 (Dolphin).

It is respectfully submitted that claim 1 of the present application is not anticipated by Dolphin. As recited in claim 1, in response to determining that the entered key is not proper, software is installed in the system and activation of first code is enabled to prompt for entry of the key at a later time. Moreover, claim 1 recites that, after enabling activation of the first code, the first code is executed during a boot procedure of the system.

In Dolphin, a user wishing to access data on a CD sends a request to a billing/access center to receive a key to access the desired data. Based on the particular data set that the user wishes to access on the CD, the billing/access center downloads the appropriate key to the user where it is then stored on the user's PCMCIA card or other appropriate hardware. Once stored, the key then can be used to access the desired data on the CD. *See* Dolphin, 6:43-58.

As further taught by Dolphin, a key can be zeroized "after one or only a few reviews of the data or after a short time duration" Dolphin, 7:24-26. When a key is zeroized, further access of data "will require another call to the billing/access center 23." *Id.*, 8:22-24.

Nowhere in Dolphin is there any hint of executing the first code during a boot procedure of the system after enabling activation of the first code.

Moreover, Dolphin also does not disclose installing software in the system and storing an entered key "*in response to determining that the entered key is proper,*" as recited in claim 1. In Dolphin, the key is downloaded and stored in response to a user request for a particular key and then used or entered to access data. As such, an *entered* key is not stored *in response to determining that the entered key is proper*, as recited in claim 1.

The Response to Arguments section of the Office Action noted that Dolphin "teaches subsequent use of the key after the key is used for the first time (as an example, see col. 6 lines 54-65)." 6/26/2007 Office Action at 3. Use of the key for subsequent access to information, as disclosed by Dolphin, is *not* the same as "in response to determining that the entered key is proper, installing the software in the system and storing the entered key." The subsequent use of the key refers to subsequent use of the key that was previously downloaded to the PCMCIA -

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there is no further verification of the key to determine that the key is proper, followed by further storing of the previously entered key.

In view of the foregoing, it is clear that claim 1 is not anticipated by Dolphin.

Amended claims 9 and 16 are also allowable over Dolphin.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is therefore respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304043-3).

Respectfully submitted,

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